

**CITY OF WEST DES MOINES  
PLAN AND ZONING COMMISSION COMMUNICATION**

**Meeting Date:** March 11, 2019

**Item:** Amendment to City Code – To Amend Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District) and Chapter 10 (Performance Standards), to modify garage requirements and establish a waiver process for single-family detached dwellings – City Initiated (AO-004123-2018)

**Requested Action:** Recommend approval of an Amendment to City Code

**Case Advisor:** Lynne Twedt 

**Applicant's Request:** At the end of 2018, Development Services Staff brought forward an amendment to eliminate the garage requirement for single-family detached and multi-family dwellings under a condominium regime. The Plan and Zoning Commission unanimously approved the amendment at the November 19, 2018 meeting. By a 3-2 vote, the City Council approved the first reading of the ordinance amendment but opted at the second reading to keep the garage requirement for single-family detached and establish waiver criteria to apply in situations in which the home is intended for ownership by low to moderate income households. Therefore, staff is requesting an amendment to the following in Title 9, Zoning to address garages for single-family detached dwellings with a waiver option when specific provisions are met:

- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 4, *Specific Use Regulations*, Subsection E-4-b-(1);
- Chapter 5, *Agricultural/Open Space and Residential Zoning District*; Section 7, *Building Form Regulations and Zoning District Compatibility for Residential Districts*, Subsections B-1-c;
- Chapter 10, *Performance Standards*, Section 4, *Special Use Regulations*, Subsection B of City Code

An ordinance to eliminate the garage requirement for multi-family condominium regimes was officially adopted by the City Council at their February 19, 2019 meeting.

**City Council Subcommittee:** Per the direction of the City Council at the January 21, 2019 Council meeting, staff presented the waiver criteria to the Development and Planning City Council Subcommittee at their February 4, 2019 meeting. The Subcommittee members agreed with the criteria and approach outlined by staff.

**Staff Review and Comment:** There are no outstanding issues. Staff would summarize the following aspects related to the granting of a waiver:

- **Waiver Criteria:** In order to be considered for a waiver, the home subject of the waiver shall not exceed 1,600 square feet in size and the intended owner and occupant of the home must have a gross annual income that is below 80% Area Median Income (AMI). Proof of income qualification will be handled by the City's Housing Planner. Income verification will need to be confirmed before an occupancy permit (temporary or final) will be granted by the City's Building Division. Since the ultimate purchaser of the home may not be known at time of building permit issuance, the waiver process can be initiated by the builder with an understanding and agreement that income verification will need to occur before occupancy and should the ultimate buyer not meet income restrictions, a garage will need to be constructed prior to the issuance of an occupancy permit.
- **Requirements in Lieu of Garage:** In situations in which the garage is waived, all of the following must be provided:
  - Designated Storage: Part of the original intent of the requirement for single-family detached dwellings to have garages was to have a place in which to store lawn and garden equipment, toys, lawn furniture, etc. thus reducing clutter on a property. To still provide for storage, staff recommends that one of the following be implemented in lieu of the garage:

- Installation of a minimum 10'x10' shed;
    - Incorporation of a 100 square foot dedicated storage area into the back of the home which is accessible from the exterior via a minimum 4' wide door.
  - Paved Off-street Parking: Consistent with current City Code, two (2) off-street parking stalls will need to be provided for single-family detached dwellings. The stalls may be provided side-by-side or as tandem parking characteristic of a traditional driveway.
  - Increased Side Yard Setback: To accommodate the potential future construction of a garage for the single-family dwelling, a minimum 15' side yard shall be provided on one side of the property unless the property can otherwise be accessed off of an existing alley. The second side yard shall be the smaller of the required side yards for the respective zoning district.
- ***Home Retention Period:*** To encourage the waiver to be directed to low-moderate income households, as part of the waiver application process, a deed restriction shall be placed on the property requiring that the home be occupied by a household that is below 80% AMI. If the home is sold or rented prior to the expiration of the retention period to a household that does not meet the 80% AMI requirement, the pro-rata share of the value of the garage waiver program (currently estimated to be \$20,000) shall be repaid as outlined in the agreement.
  - ***Applicable Single-Family Detached Structures:*** The single-family detached garage requirement will apply to all new detached dwelling structures constructed or placed on a property with the exception of Tiny Homes. A provision has been added to code to require Tiny Homes to provide a minimum 10'x10' shed or 20'x14' garage on the same property as the home with exclusive use of the shed or garage by the occupants of the Tiny Home. Presence of the shed or garage will need to be verified prior to the release of the electrical meter for the Tiny Home.
  - ***Existing Situations:*** Installation of a garage will be required with the construction of all new single-family homes that are not otherwise granted a waiver per the provision within City Code. The following situations will not be required to provide a garage:
    - An existing single-family residence without a garage that is remodeled, enlarged, expanded or modified regardless of the value of the modifications;
    - All single-family residential properties which as of the Council's adoption of this ordinance amendment has a dwelling structure but no garage will be considered grandfathered; and,
    - Any property which at the direction of the City is required to remove an existing garage due to safety concerns.

**Noticing Information:** On March 1, 2019, notice of the March 11, 2019, Plan and Zoning Commission and March 18, 2019, City Council public hearings for this project was published in the *Des Moines Register*.

**Staff Recommendation and Conditions of Approval:** Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the amendment to City Code.

**ATTACHMENTS:**

- Attachment A – Plan & Zoning Commission Resolution
- Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC-19-020

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, IOWA, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN AMENDMENT TO CITY CODE, TITLE 9 (ZONING), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT), AND CHAPTER 10 (PERFORMANCE STANDARDS) TO MODIFY GARAGE REQUIREMENTS AND ESTABLISH A WAIVER PROCESS FOR SINGLE-FAMILY DETACHED DWELLINGS**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, City of West Des Moines Development Services Department requests an amendment to amend Title 9 (Zoning), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 4 (*Specific Use Regulations*), Subsection E-4-b-(1), and Chapter 5 (*Agricultural/Open Space and Residential Zoning District*), Section 7 (*Building Form Regulations and Zoning District Compatibility for Residential Districts*), Subsection B-1-c, and Chapter 10 (*Performance Standards*), Section 4 (*Special Use Regulations*), Subsection B to modify garage requirement and establish a waiver process for single-family detached dwellings;

**WHEREAS**, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

**WHEREAS**, on March 11, 2019, this Commission held a duly-noticed public hearing to consider the application for an amendment to ordinance;

**NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:**

SECTION 1. The findings, for approval, in the staff report, dated March 11, 2019, or as amended orally at the Plan and Zoning Commission hearing of March 11, 2019, are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-004123-2019) to modify garage requirement and establish a waiver process for single-family detached dwellings is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on March 11, 2019.

\_\_\_\_\_  
Craig Erickson, Chair  
Plan and Zoning Commission

ATTEST:

\_\_\_\_\_  
Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on March 11, 2019, by the following vote:

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2019 BY AMENDING TITLE 9 (ZONING), CHAPTER 5 (AGRICULTURAL/OPEN SPACE AND RESIDENTIAL ZONING DISTRICT) AND CHAPTER 10 (PERFORMANCE STANDARDS) TO MODIFY GARAGE REQUIREMENTS AND ESTABLISH A WAIVER PROCESS FOR SINGLE-FAMILY DETACHED DWELLINGS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:**

**Section 1. Amendment.** Title 9 (*Zoning*), Chapter 5 (*Agricultural/Open Space and Residential Zoning District*); Section 4, *Specific Use Regulations*, Subsection E-4-b-(1) is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text and renumbering as necessary:

4. Tiny Home: Is to be used as a place for long term residential occupancy: greater than one hundred eighty (180) consecutive days in any calendar year.

a. Use matrix:

Zoning	OS	RE	RS	R-1	SF-CR	SF-VJ	MH	RM	RH	VJHB
Tiny home	P	P	P	P	P	P	P			
Second dwelling unit	P	P	Pc	Pc						

b. Parking and drives:

~~(1) Must meet the specific use regulations for residential districts related to enclosed garage space (subsection 9-10-4B of this title).~~

(2) Must meet the off-street parking regulations for single-family detached dwellings (chapter 15 of this title).

***c. A minimum ten-foot by ten-foot (10'x10') storage shed or twenty foot by fourteen-foot (20'x14') garage shall be provided within the property upon which the home is located for exclusive use by the occupants of the Tiny Home. Existence of the shed or garage shall be verified by the Development Services Director or designee prior to release of the electric meter for the Tiny Home.***

**Section 2. Amendment.** Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning District; Section 7, Building Form Regulations and Zoning District Compatibility for Residential Districts, Subsection B-1-c is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text:

B. Building Type:

1. Single-Family Detached (SF-D):

- a. Unit Arrangements: One unit, no attachment.
- b. Property Regime: Ownership of unit structure and real property. May have common property providing stormwater management or buffering requirements. Maintenance and management may be provided by an association.
- c. Garages: Minimum of ~~one and one-half (1 1/2) car~~ ***twenty foot by fourteen-foot (20'x14')*** garage required (attached or detached) ***unless all waiver provisions as stated in Chapter 10, Section 4 within this title are adhered to and a waiver is granted by the City.***

**Section 3. Amendment.** Title 9 (Zoning), Chapter 10 (Performance Standards), Section 4 (Special Use Regulations) Subsection B is hereby amended by deleting the highlighted strikethrough text and adding the bolded italicized text and renumbering as necessary:

B. The Following Standards Shall Apply to All Residential Districts:

1. For the purpose of this subsection an "enclosed parking space" or reference to a "garage" shall mean a covered space fully surrounded by walls, including windows, doors and similar openings or architectural features.
2. ***Except for Tiny Homes as defined in Chapter 2 within this title, and unless a waiver is granted by the City, For*** for any detached single-family residential dwelling, a minimum of one enclosed garage parking space shall be required for the use. This garage may be attached or detached but shall be of a minimum twenty foot by fourteen-foot (20' x 14') size to accommodate one vehicle and additional storage.
  - a) ***A waiver from the garage requirement may be authorized by the Director of Development Services or designee if consistent with all of the following:***
    - i. ***The dwelling structure does not exceed 1,600 square feet in size.***
    - ii. ***The home is owned and occupied by a low to moderate-income household. For purposes of this waiver, a low to moderate-income household shall mean a family with an annual gross income (as defined in 24 CFR Part 5 – General HUD Program Requirements; Waivers) below 80% the Area Median Income (AMI), with the income limit adjusted for household size in accordance with the methodology of the HUD standard. Proof of owner/occupant income will need to be verified by the City prior to issuance of an Occupancy (temporary or final) Permit for the dwelling.***
    - iii. ***A minimum ten-foot by ten-foot (10'x10') detached shed is provided within the rear yard of the subject property, or a minimum one-hundred (100) square foot indoor area dedicated to storage is constructed on or within the back of the home, accessed directly from the exterior and includes a minimum four foot (4') wide access door.***
    - iv. ***A minimum fifteen-foot (15') side yard setback, as measured to the closest element of the home, excluding roof overhangs is provided on one side of the dwelling structure with the other side yard setback meeting the minimum required distance for the designated zoning district. If the property can be accessed from an existing alley, minimum side yard setbacks shall be provided as stated in city code for the respective zoning district.***
    - v. ***Off-street parking stalls as required per title 9, chapter 15 of city code are provided within the subject property.***
    - vi. ***A deed restriction is recorded against the property establishing a retention period in which the home must be occupied by an household below 80% AMI. The home may not be owned or rented to an individual or household that is not below the 80% AMI. In the event the home is sold or rented to an individual or household above 80% AMI, the value***

*of the waiver as specified per the agreement shall be repaid to the lender according to terms outlined in the agreement.*

- b) A minimum ten-foot by ten-foot (10'x10') storage shed or twenty foot by fourteen-foot (20'x14') garage shall be provided within the property upon which the Tiny Home is located for exclusive use by the occupants of the Tiny Home. Existence of the shed or garage shall be verified by the Development Services Director or designee prior to release of the electric meter for the Tiny Home.*
- c) All single-family residential properties which currently have a dwelling structure, but no garage as of May \_\_\_\_\_, 2019 shall be considered grandfathered and are not required to implement a garage or shed/structure for storage.*
- d) Any property which at the direction of the City which is required to remove an existing garage due to safety concerns, shall not be required to construct a new garage or shed/structure for storage.*

~~4. Any existing detached single-family residence shall be required to comply with the enclosed garage space if the residence is proposed to be remodeled, enlarged, expanded or modified and the cumulative value of the alterations of the structure since the adoption date hereof exceeds fifty percent (50%) of the current valuation of the structure.~~

~~For the purpose of determining the valuation of the building, the current assessor's tax roll shall be used. The valuation shall be measured on a cumulative basis for all alterations made since the adoption date hereof rather than evaluating each alteration independently against the current valuation.~~

- 5. Any existing detached single-family residence which is damaged or destroyed by catastrophe or act of God to the extent equaling fifty percent (50%) or more of its total assessed value, shall be exempt from the provisions of this Code regarding the garage requirement as a part of the reconstruction of the damage to the residential structure due to the catastrophe or act of God.
- ~~6. Any existing single-family attached dwelling which has not previously been operated as owner-occupied and intends to convert to an owner-occupied program shall be required to comply with the provisions of this subsection.~~
- 7. For single family zoning districts in or adjacent to *residentially* developed areas, buildings should be designed to be consistent with its surrounding architectural context or historic character of the area with comparable architectural design, materials and details, including building mass and roof slope.

**Section 4. Repealer.** All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

**Section 5. Savings Clause.** If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

**Section 6. Violations and Penalties.** Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Title 1, Chapter 4, Sections 1 and 2 of the City Code of the City of West Des Moines, Iowa.

**Section 7. Other Remedies.** In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

**Section 8. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Steven K. Gaer, Mayor

ATTEST:

\_\_\_\_\_  
Ryan T Jacobson  
City Clerk

The foregoing Ordinance No. \_\_\_\_\_ was adopted by the Council for the City of West Des Moines, Iowa, on \_\_\_\_\_, 2019, and was published in the Des Moines Register on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Ryan T. Jacobson  
City Clerk

